



Steam Electric Reconsideration Rule

Final Steam Electric Reconsideration Rule

Under the Clean Water Act, EPA establishes regulations that apply to categories of industrial wastewater dischargers. Known as Effluent Limitations Guidelines and Pretreatment Standards, these regulations are technology-based and help protect public health and the environment by limiting wastewater discharges into surface waters and wastewater treatment plants. In 2015, EPA issued a rule that established new ELGs for the nation's steam electric power plants. That rule was subject to legal challenge and the agency received two petitions for administrative reconsideration, including one from the U.S. Small Business Administration's Office of Advocacy. In response, EPA agreed to reconsider the ELGs for two waste streams and also undertook a rulemaking that changed the earliest compliance date in the 2015 rule from November 1, 2018 to November 1, 2020—in order to allow EPA time for reconsideration of the regulatory provisions.

Summary

EPA's 2020 final rule establishes effluent limits for flue gas desulfurization (FGD) wastewater and for bottom ash (BA) transport water applicable to existing steam electric power generators to better protect public health and the environment by limiting wastewater discharges into surface waters and wastewater treatment plants, while also reducing costs. This final rule only revises the FGD wastewater and BA transport water waste stream limits for existing facilities and does not revise any other waste streams covered by the 2015 rule.

In the few years since finalizing the 2015 rule, more affordable technologies that are capable of removing similar amounts of discharges have become available. EPA's final rule will reduce nearly a million pounds per year more pollution than the 2015 rule—keeping our waters cleaner and safer. The final revisions to the 2015 rule leverage advancements in technology, reducing compliance costs by approximately \$140 million annually.

The agency considered input from a wide variety of stakeholders in developing the final rule and considered a broad range of data, information, and stakeholder input. The agency also updated its industry profile based on more recent data, conducted a limited information request, and collected voluntarily provided sampling data. Based on this information, key revisions to the 2015 rule include:

- Changing the technology-basis for treatment of FGD wastewater and BA transport water.
- Establishing new compliance dates.
- Revising the Voluntary Incentives Program for FGD wastewater.
- Adding subcategories for high-flow units, low-utilization units and those that will cease the combustion of coal by 2028—finalizing requirements that are tailored to facilities in these subcategories.

Who is affected by this regulation?

The Steam Electric Power Generating Effluent Guidelines (ELGs) apply to a major portion of the electric power industry, and this final regulation revises requirements applicable to certain coal-fired steam electric power plants.

What does the final rule require?

The final rule establishes the following effluent limitations based on Best Available Technology Economically Achievable (BAT).

- For the discharge of FGD wastewater, there are numeric effluent limitations for mercury, arsenic, selenium, and nitrate/nitrite as nitrogen.
- For the discharge of BA transport water, the final rule requires high recycle rate systems and allows for a site-specific discharge, referred to in the final rule as BA purge water, which cannot exceed 10 percent of the BA transport water system volume.

The final rule includes subcategories for high flow units, low utilization units, and those that will cease coal combustion by 2028 and tailors requirements for facilities in these subcategories. For high flow facilities and low utilization boilers, the final rule establishes numeric effluent limitations on mercury and arsenic for FGD wastewater discharges. For low utilization boilers, the final rule establishes numeric limitations for TSS and requires implementation of a best management practices (BMP) plan for BA transport water. For boilers ceasing combustion of coal by 2028, the final rule establishes numeric limitations for TSS in FGD wastewater and BA transport water.

Where limitations in this rule are more stringent than previously established BPT limitations, those limitations do not apply until a date determined by the permitting authority that is as soon as possible on or after one year from the date the final rule is published in the Federal Register, but that is no later than Dec. 31, 2025.

The final rule also includes a Voluntary Incentives Program that provides the certainty of more time (until Dec. 31, 2028) for plants to implement new requirements, if they adopt additional process changes and controls that achieve more stringent limitations on mercury, arsenic, selenium, nitrate/nitrite, bromide, and total dissolved solids in FGD wastewater.

Under the final rule, consistent with the 2015 rule, a particular power plant's compliance deadline is established during the NPDES permitting process by their permitting authority. For the final rule, EPA concluded that the earliest date the industry can achieve compliance with these new, more stringent limitations is one year after the final rule is published in the Federal Register; and the latest deadline for compliance is 2025 for FGD and BA Transport Water. In other words, a permitting authority may set a deadline to comply with the limits in this final rule as early as one year from the date of publication in the FR, and as late as 2025. The rule provides a compliance date of 2028 for Voluntary Incentives Program.

Where can I find more information on this rule?

For technical information about the final Steam Electric Reconsideration Rule, contact Richard Benware by telephone at 202-566-1369 or by email at benware.richard@epa.gov. For economic information, contact James Covington by telephone at 202-566-1034 or by email at

covington.james@epa.gov. Additional information is available on EPA's Effluent Guidelines website at <https://www.epa.gov/eg/2020-steam-electric-reconsideration-rule>.